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*Additional class counsel appear  
 on signature page.*

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, KALINI BOYKIN,  
 VALERIE BROWN, RICK GONZALES,  
 CYNTHIA GUERRERO, RACHEL  
 HUTCHINS, TYRONE MERRITT, KELVIN  
 SMITH, SR., and KEN STEVENSON, on  
 behalf of themselves and all others similarly  
 situated,

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware Corporation,  
 Defendant.

Case Nos. C03-02659 SI; C03-02878 SI

CLASS ACTION

STIPULATION AND [PROPOSED]  
 ORDER ALLOWING DEFENDANT'S  
 MOTION IN LIMINE NO. 8, PLAINTIFFS'  
 OPPOSITION TO THAT MOTION, AND  
 PLAINTIFFS' SUPPORTING PRESTEL  
 DECLARATION TO BE FILED UNDER  
SEAL

1 WHEREAS on November 9, 2006, the parties submitted a stipulation and [proposed]  
2 order providing that certain materials produced by plaintiffs to defendant FedEx Express  
3 ("FedEx") should be treated as proprietary and confidential and viewed or considered only by  
4 FedEx counsel and its experts Drs. Campion and Tetlock, *see* Docket No. 519;

5 WHEREAS on November 9, 2006, the Court approved the parties' stipulation and signed  
6 the proposed order, *see* Docket No. 520;

7 WHEREAS the materials covered by the Court's Order include the following: "Editorial  
8 correspondence relating to the submission for possible publication of the Poehlman IAT meta-  
9 analysis, including, but not limited to, referee reports, reviews, and letters from editors";

10 WHEREAS FedEx has filed a motion *in limine* that relies on and quotes from  
11 confidential "[e]ditorial correspondence" covered by the Court's November 9, 2006 Order (*see*  
12 Docket No. 609, Defendant's Motion in Limine No. 8 (To Exclude Testimony Based on the  
13 Unpublished Poehlman Study Regarding the Behavioral Predictability of the IAT));

14 WHEREAS plaintiffs intend to discuss and quote from confidential correspondence  
15 covered by the Court's November 9, 2006 Order in their opposition brief due February 2, 2007;

16 WHEREAS plaintiffs also intend to attach some of the confidential correspondence as  
17 exhibits to a declaration in support of their February 2 opposition brief;

18 WHEREAS the only way to abide by the parties' November 9, 2006 stipulation and the  
19 Court's November 9, 2006 Order is to file documents containing the confidential correspondence  
20 under seal;

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1 THEREFORE, the parties, by and through their counsel, stipulate and request that

2 1. Defendant's Motion in Limine No. 8 (To Exclude Testimony Based on the  
3 Unpublished Poehlman Study Regarding the Behavioral Predictability of the IAT) be removed  
4 from the publicly available file and placed under seal pursuant to Local Rule 79-5 and this  
5 Court's November 9, 2006 Order.

6 2. Plaintiffs' Opposition to FedEx's Motion *In Limine* No. 8 (To Exclude Testimony  
7 Based on the Unpublished Poehlman Study Regarding the Behavioral Predictability of the IAT),  
8 and the supporting Declaration of Claire Prestel, submitted February 2, 2007, may be filed under  
9 seal pursuant to Local Rule 79-5 and this Court's November 9, 2006 Order.

10  
11 Dated: February 2, 2007

ALTSHULER BERZON LLP

  
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DATED: February 2, 2007

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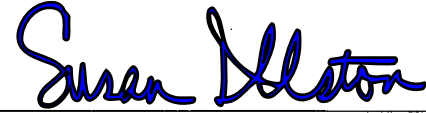
*Counsel for Defendant*

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**ORDER**

The foregoing stipulation is approved, and IT IS SO ORDERED.

DATED: \_\_\_\_\_



Hon. Susan Illston  
United States District Judge